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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,532	02/08/2001	Fernando De Oliveira	1000-0213	2691

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EXAMINER

HARRY, ANDREW T

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/781,532

Applicant(s)

OLIVEIRA, FERNANDO DE

Examiner

Andrew T Harry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 6,7 and 13-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by**

***Lamb et al.*, U.S. Patent 6,026,298 (“*Lamb*”).**

As pertaining to **claim 1**, *Lamb* teaches a method in a cellular telecommunications network of constructing a list of cells comprising at least one cell in which network resources are to be allocated to perform a requested service (see *Lamb*, col. 4, lines 13-46, *Lamb* describes that in his method a list of all the capabilities of the various MSCs is stored), said method comprising the steps of:

determining each particular cell’s capability to provide the requested service (see *Lamb*, col. 6 lines 13-46); and

building a cell list comprising only cells that can provide the requested service. See *Lamb*, col. 7 lines 30-48.

As pertaining to **claim 2**, *Lamb* teaches a method in a cellular communications network of allocating network resources to perform a requested service (see *Lamb*, abstract), said method comprising the steps of:

determining each particular cell’s capability to provide the requested service prior to allocating network resources in that cell (see *Lamb*, col. 6 lines 13-46, for the remainder of this

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examination the Examiner asserts that the MSC as described by *Lamb* is capable of revealing the capabilities of on *and* a multiple number of cells); and

allocating network resources only in the cells that can provide the requested service. See *Lamb*, col. 6, line 47-col. 7, line 29.

As pertaining to **claim 3**, *Lamb*'s method also comprises, before the step of allocating network resources, the step of building a cell list comprising only cells that can provide the requested service. See *Lamb*, col. 7, lines 30-48.

As pertaining to **claim 4**, in *Lamb*'s method the network resources are paging resources for paging a mobile station, and the step of determining each particular cell's capability to provide the requested service includes determining the capability of each particular cell in a location area (LA) to provide the requested service. See *Lamb*, col. 7, line 49-col. 8, line 5.

As pertaining to **claim 5**, *Lamb*'s method further comprises paging for the mobile station only in the cells of the LA that can provide the requested service. See *Lamb*, col. 3, lines 46-49.

As pertaining to **claims 8 and 9**, *Lamb* teaches a system for constructing a list of cells comprising at least one cell in which network resources are allocated to perform a requested service and a system for allocating network resources in a cellular telecommunications network to perform a requested service (see *Lamb*, abstract, and col. 7, lines 30-48), said system comprising:

a capabilities database that stores information identifying each particular cell's capability to provide each of a plurality of services (see *Lamb*, col. 4, lines 13-46); and

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a processor that compares the requested service to the information stored in the capabilities database for each cell in order to determine each cell's capability to provide the requested service (see *Lamb*, col. 6 lines 13-46); and

a resource controller that builds a cell list comprising only cells that can provide the requested service. See *Lamb*, col. 7, lines 30-48.

As pertaining to **claim 10**, in *Lamb*'s system the network resources are paging resources for paging a mobile station, and the step of determining each particular cell's capability to provide the requested service includes determining the capability of each particular cell in a location area (LA) to provide the requested service. See *Lamb*, col. 7, line 49-col. 8, line 5.

As pertaining to **claim 11**, in *Lamb*'s system the processor compares the requested service to the information stored in the capabilities database for each cell in the LA in order to determine the capability of each cell in the LA to provide the requested service. See *Lamb*, col. 7, line 49-col. 8, line 5.

As pertaining to **claim 12**, *Lamb*'s system further comprises a cell list database that stores cell lists comprised only of cells that can provide the requested service. See *Lamb*, col. 7, lines 30-48.

***Allowable Subject Matter***

Claims 6-7 and 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B. Lamb et al., U.S. Patent 6,421,537 teaches a method and apparatus for providing switch capability mediation in a mobile telephone system.

C. Corriveau et al., U.S. Patent 5,918,177 teaches a system and method of providing a mobile station's service support information to a radio telecommunications network.

D. Corriveau, U.S. Patent 6,101,392 teaches reverse communication of mobile station calling service capabilities.

E. Martin, U.S. Patent Pregrant Publication 2002/0107003 teaches a method and apparatus for leaving a multimedia mail message without ringing a wireless phone.

F. Jeong, U.S. Patent 6,181,933 teaches a mobile communication system and controlling method thereof for paging and establishing dynamically paging area.

G. Wallentin et al., U.S. Patent 6,292,667 teaches multicell area paging for cellular telecommunications systems.

H. Reichelt et al., U.S. Patent 6,295,447 teaches a method and system for enabling the control of execution of features in a telecommunications network.

I. Joong et al., U.S. Patent 6,134,433 teaches a system and method of forwarding data calls in a radio telecommunications network.

J. Houde, U.S. Patent 6,032,043 teaches a home location register feature dispatching and arbitration in a wireless intelligent network.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T Harry whose telephone number is 703-305-4749. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ATH



*Marsha D Banks-Harold*

MARSHA D. BANKS-HAROLD  
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